

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 08/580,493

Appn. Filed: 1995 Dec 29

Applicant: Philippe Berna

Appn. Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE
DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A
DEVICE AND ITS USE.

Examiner/GAU: David Bryant/3726

OFFICE OF THE
COMMISSIONER FOR PATENTS

2002 JAN - 7 PM 4:23

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#82/dpm
3-14-02
Pet me
1.181

3726

Molières-sur-Cèze, France, 2001, January 7, Mon

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JAN 28 2002

COMPLAINT

Last Office Communication Mailed 2001, November 30 and Arrived 2002, January 3
Period given for Filing a Response Expired 2001, December 30

OFFICE OF PETITIONS

Hon. Commissioner for Patents

Washington, District of Columbia 20231

Sir:

Four days ago, applicant received by Air Mail an Office communication from the PTO which was set to be mailed on 2001, November 30. No date was printed within the postmarks (please see below a copy of the mailing envelope and of the first two pages of this communication). So it is practically impossible to determine if this communication was indeed posted on same date. And there is currently to my knowledge no strike or layoff of the postal office workers in France. But as only one month was given to respond to this communication, this month was already elapsed before this correspondence reached applicant's mailing address.

Until now such PTO correspondence was reaching applicant's mailing address within 3 weeks, which is already excessive since these three weeks are running against the few-month period given for response. Such a long delay for an air mail letter to reach its destination might be due to the fact the correspondence is indeed sent later than the announced mailing date. Or this delay might be caused by the fact this correspondence is prevailingly air mailed via the Philippines, i.e. via Asia, (which the postmarks are showing) when its final destination is in Europe.

Anyway, in these circumstances the Commissioner for Patents is respectfully solicited so that an additional time period could be given to applicant for response beyond the regular period to allow for the time required by the correspondence from the PTO Patent Division to reach applicant's address. Perhaps the PTO Patent Division should, to reduce the time for her correspondence to go its destination, do what she advises in her web pages her customers to do:

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"communicate via FAX instead of mail", or use e-mail.

Applicant thanks very much in advance the Commissioner for Patents for the consideration, which will be given to this complaint.

Very respectfully submitted,

Philippe BERNA

Philippe Berna, Applicant Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

e-mail address: phberna@yahoo.com

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper of five pages including this one and the three following ones for the copy of the mailing envelope and of the first two pages of the outstanding Office communication are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Philippe Berna

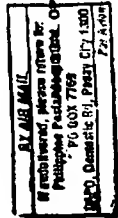
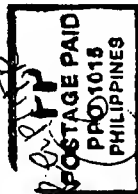
Philippe BERNA

Signature

01/07/02

Date

Appn. Number: 08/580,493



AIR MAIL

11/30/01
41/10/02
01/03/02

AFTER 10 DAYS RETURN TO:
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WASHINGTON, D.C. 20231

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OFFICE OF PETITIONS

* Appn. Number: 08/580,493



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/580,493	12/29/1995	PHILIPPE J.H. BERNA		5537

7590 11/30/2001
PHILIPPE JEAN HENRI BERNA
MAS LIOTARD LES BROUSSES
F 30410
MOLIERES SUR CEZE,
FRANCE

EXAMINER

BRYANT, DAVID P

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 11/30/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Appn. Number: 08/580,493



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

76

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 8-23-01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☒ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(i).
- ☐ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☒ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other _____

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may continue without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

J. Chapman
Legal Instruments Examiner

Attachments:
"Changes to the patent rules"
"Attachment to notice of non-compliant amendment"

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PALM INTRANETDay : Monday
Date: 1/7/2002
Time: 16:27:01**Application Number Information**

Application Number: 08/580493

Assignments

Filing Date: 12/29/1995

Application Received: 12/29/1995

Patent Number:

Issue Date: 00/00/0000

Date of Abandonment: 00/00/0000

Attorney Docket Number:

Status: 41 /NON FINAL ACTION MAILED

Confirmation Number: 5537

Examiner Number: 68859 / **BRYANT, DAVID**

Group Art Unit: 3726

Class/Subclass: 029/434.000

Lost Case: NO

Interference Number:

Unmatched Petition: NO

L&R Code: Secrecy Code:1Waiting for Response Desc.
Mail Deff CPA

Status Date: 11/30/2001

Title of Invention: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A DEVICE AND ITS USE

Bar Code	Location	Location Date	Chrg to Loc	Charge to Name	Emp. ID	Infra Loc
08580493	47C0 PETITIONS OFFICE, CENTRAL FILES	01/07/2002		No Charge to Name	HLE9	CP4/03/23

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Content Information for 08/580493

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Date	Status	Code	Description
12/17/2001		PET.	PETITION ENTERED
12/17/2001		PTDI	PETITION DECISION - DISMISSED
12/04/2001		PET.	PETITION ENTERED
11/30/2001	41	XCPA	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE CPA AM
11/29/2001	40	CPA-AMD	NOTICE OF INFORMAL OR NON-RESPONSIVE CPA AMENDM
08/23/2001		AMSB	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/
11/19/2001		PTDI	PETITION DECISION - DISMISSED
11/19/2001		PET.	PETITION ENTERED
09/17/2001		FWDX	DATE FORWARDED TO EXAMINER
08/23/2001		SA..	SUPPLEMENTAL RESPONSE
09/17/2001		FWDX	DATE FORWARDED TO EXAMINER
08/23/2001	71	ACPA	CONTINUING PROSECUTION APPLICATION - CONTINUATIO
08/23/2001		MABN3	MAIL EXPRESS ABANDONMENT (DURING EXAMINATION)
08/23/2001	168	ABN3	COUNT EXPRESS ABANDONMENT (DURING EXAMINATION)
08/23/2001		FCPA	WORKFLOW - REQUEST FOR CPA - FINISH
09/13/2001		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
08/23/2001		BCPA	WORKFLOW - REQUEST FOR CPA - BEGIN
06/12/2001	83	MCTAV	MAIL ADVISORY ACTION (PTOL - 303)
06/11/2001	82	CTAV	COUNT - ADVISORY ACTION (PTOL-303)
05/23/2001		FWDX	DATE FORWARDED TO EXAMINER
05/22/2001		SA..	SUPPLEMENTAL RESPONSE
05/23/2001		FWDX	DATE FORWARDED TO EXAMINER
05/17/2001	80	A.NE	AMENDMENT AFTER FINAL REJECTION
03/16/2001	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
03/16/2001	60	CTFR	COUNT - FINAL REJECTION

01/10/2001		LTDR	INCOMING LETTER PERTAINING TO THE DRAWINGS
01/10/2001		C604	SUBSTITUTE SPECIFICATION FILED
01/17/2001		FWDX	DATE FORWARDED TO EXAMINER
01/10/2001	77	A.QU	RESPONSE AFTER EX PARTE QUAYLE ACTION
01/10/2001		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
09/11/2000	51	MCTEQ	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)
09/08/2000	50	CTEQ	COUNT - EX PARTE QUAYLE ACTION
07/05/2000		FWDX	DATE FORWARDED TO EXAMINER
07/05/2000		SA..	SUPPLEMENTAL RESPONSE
05/15/2000		LTDR	INCOMING LETTER PERTAINING TO THE DRAWINGS
06/20/2000		FWDX	DATE FORWARDED TO EXAMINER
05/15/2000		SA..	SUPPLEMENTAL RESPONSE
06/20/2000		FWDX	DATE FORWARDED TO EXAMINER
05/15/2000	71	ACPA	CONTINUING PROSECUTION APPLICATION - CONTINUATIO
05/15/2000		MABN3	MAIL EXPRESS ABANDONMENT (DURING EXAMINATION)
05/15/2000	168	ABN3	COUNT EXPRESS ABANDONMENT (DURING EXAMINATION
05/15/2000		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
01/14/2000	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
01/14/2000	60	CTFR	COUNT - FINAL REJECTION
12/09/1999		FWDX	DATE FORWARDED TO EXAMINER
11/30/1999		SA..	SUPPLEMENTAL RESPONSE
11/15/1999		FWDX	DATE FORWARDED TO EXAMINER
10/27/1999	71	A...	RESPONSE AFTER NON-FINAL ACTION
07/28/1999	41	MCTNF	MAIL NON-FINAL REJECTION
07/27/1999	40	CTNF	COUNT - NON-FINAL REJECTION
07/14/1999		MM327	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT
07/14/1999		M327	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO A COUNT
07/06/1999		LET.	MISCELLANEOUS INCOMING LETTER
06/02/1999		DOCK	CASE DOCKETED TO EXAMINER IN GAU
05/21/1999		FWDX	DATE FORWARDED TO EXAMINER
12/15/1998	71	ACPA	CONTINUING PROSECUTION APPLICATION - CONTINUATIO
12/15/1998		MABN3	MAIL EXPRESS ABANDONMENT (DURING EXAMINATION)
12/15/1998	168	ABN3	COUNT EXPRESS ABANDONMENT (DURING EXAMINATION
05/20/1999		FWDX	DATE FORWARDED TO EXAMINER
03/29/1999		SA..	SUPPLEMENTAL RESPONSE
03/02/1999		LET.	MISCELLANEOUS INCOMING LETTER
03/02/1999	71	FEE.	FEE PAYMENT RECORDED (FEES FILED SEPARATELY E.G. N ORIGINAL PAPERS, ETC).
03/29/1999		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
12/30/1998	41	MMCPA	MAIL NOTICE OF MISSING PARTS CPA

12/30/1998	40	MCPA	COMMUNICATION TO APPLICANT FOR MISSING PARTS CPA
12/30/1998		MM327	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT
12/30/1998		M327	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO A COUNT
09/16/1998	120	N/AP	NOTICE OF APPEAL FILED
09/16/1998		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
05/04/1998		LET.	MISCELLANEOUS INCOMING LETTER
05/21/1998	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
05/14/1998	60	CTFR	COUNT - FINAL REJECTION
04/20/1998		FWDX	DATE FORWARDED TO EXAMINER
04/08/1998	71	A...	RESPONSE AFTER NON-FINAL ACTION
12/15/1997	41	MCTNF	MAIL NON-FINAL REJECTION
12/15/1997	40	CTNF	COUNT - NON-FINAL REJECTION
11/07/1997		PTDE	PETITION DECISION - DENIED
01/22/1996		PET.	PETITION ENTERED
10/06/1997		PTGR	PETITION DECISION - GRANTED
06/19/1997		PET.	PETITION ENTERED
08/14/1997		MM327	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT
08/14/1997		M327	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO A COUNT
01/21/1997		MM327	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT
01/21/1997		M327	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO A COUNT
10/16/1996	41	MCTNF	MAIL NON-FINAL REJECTION
10/15/1996	40	CTNF	COUNT - NON-FINAL REJECTION
08/22/1996		MM327	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT
08/22/1996		M327	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO A COUNT
08/19/1996	30	DOCK	CASE DOCKETED TO EXAMINER IN GAU
01/31/1996		FILM	APPLICATION CAPTURED ON MICROFILM
08/02/1996		G038	PREEXAMINATION LOCATION CHANGE
01/22/1996	19	IEXX	INITIAL EXAM TEAM NN

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Day : Monday
Date: 1/7/2002
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Correspondence Address for 08/580493

Customer Number	Contact Information	Address
No Customer #	Telephone: No Telephone # Fax: No Fax # E-Mail: No E-Mail Address	PHILLIPPE JEAN HENRI BERNA MAS LIOTARD LES BROUSSES F 30410 MOLIERES SUR CEZE FR FRANCE
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Atty/Agent Info	Continuity Data	Foreign Data

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Foreign Information for 08/580493

Priority#	Date	Country
90/02916	03/08/1990	FRANCE
PCT/FR91/00190	03/08/1991	UNITED STATES OF AMERICA

Appln Info	Contents	Petition Info	Attorney/Agent Info	Continuity Data	Foreign Data	In
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